

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15183 of the Allen A.M.E. Church, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 for a child development center of 57 children, ages 2 to 12 years and 9 staff in the basement and first floor in an R-5-A District at premises 2439 Ainger Place, S.E., (Square 5741, Lot 98).

HEARING DATE: November 8, 1989
DECISION DATE: November 8, 1989 (Bench Decision)

SUMMARY ORDER

At the public hearing, the applicant amended the application to change the ages of the children from one to 5½ years to 2 through 12 years.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 8B, and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 8B. ANC 8B, which is automatically a party to the application, did not file a written statement of issues and concerns. Nor did ANC 6C submit a written statement of issues and concerns, or request to be treated as an affected ANC.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 206. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Site of the Child Development Center shall be developed in accordance with the site plan as shown on Exhibit No. 7 of the record.
2. The Child Development Center shall serve 57 children ages 2 to 12 years with a staff of 9 persons.
3. The Center shall operate from 7:00 A.M. to 6:00 P.M., Monday through Friday.
4. The drop-off and pick-up of children shall be on-site from the semi-circular drive from Ainger Place. A staff member shall be present to aid in the discharge and pick-up of children.
5. The Center shall discourage any parking in the semi-circular driveway to maintain it as an open travel lane. Only limited standing in the driveway is to be permitted.
6. Parking for the Center shall be provided on-site as shown on Exhibit No. 7 of the record. The parking shall be available to employees and visitors to the Center to minimize on-street parking demand. The Center shall provide bus and van transportation to some of the children.
7. The play area for the Center shall be provided as shown on Exhibit No. 7 of the record.
8. The Center shall meet all applicable licensing and code requirements.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (Lloyd D. Smith, Paula L. Jewell and William F. McIntosh to grant; Carrie L. Thornhill and Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: NOV 16 1987

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15183order/LJP55

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APPLICATION No. 15183

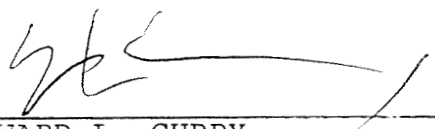
As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated NOV 16 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY
Executive Director

DATE: NOV 16 1989